

JOURNAL OF THE HOUSE.

Monday, March 10, 2008.

Met according to adjournment, at eleven o'clock A.M., in an Informal Session, with Mr. Donato of Medford in the Chair (having been appointed by the Speaker, under authority conferred by Rule 5, to perform the duties of the Chair).

Prayer was offered by the Reverend Robert F. Quinn, C.S.P., Chaplain of the House, as follows:

Prayer. God, Our Creator, at the beginning of today's legislative session, we offer a prayer of thanksgiving to You for our material and spiritual blessings. As citizens of this Commonwealth and country, we often take these blessings for granted. Inspire us to respond to these gifts by planning and working together to improve the quality of life for all in our communities. In this age of complex worldwide political, economic and social challenges and changes, teach us to be in touch with the realities of the times and their impact on our present society. In resolving today's issues, teach us to avoid emotional, uncritical and uncivil responses to the opinions and suggestions of others, but to remain rational and thoughtful.

Grant Your blessings to the Speaker, the members and employees of the House and their families. Amen.

Pledge of allegiance. At the request of the Chair (Mr. Donato), the members, guests and employees joined with him in reciting the pledge of allegiance to the flag.

Resolutions.

Public Higher Education Week. Resolutions (filed with the Clerk by Mr. Murphy of Lowell) observing March 31 through April 4, 2008, as Public Higher Education Week, were referred, under Rule 85, to the committee on Rules.

Mr. Scaccia of Boston, for the committee on Rules, then reported that the resolutions ought to be adopted. Under suspension of the rules, on motion of Mr. Rushing of Boston, the resolutions (reported by the committee on Bills in the Third Reading to be correctly drawn) were considered forthwith; and they were adopted.

Communication.

New Bedford, auto repair bill. A communication from the city council and mayor of the city of New Bedford expressing support for the independent auto rights repair legislation currently pending before the General Court, was placed on file.

Papers from the Senate.

Global warming. A Bill establishing the Global Warming Solutions Act (Senate, No. 2540) (on Senate bill No. 2423), passed to be engrossed by the Senate, was read; and it was referred, under Rule 33, to the committee on Ways and Means.

Bills

Relative to the appointment of executive secretaries and town managers (Senate, No. 1204) (on a petition);

Providing for an investigation and study by a special commission relative to the establishment of a statewide law enforcement training program (Senate, No. 1342, amended in line 4, by inserting after the word "preparedness." the following 2 sentences: "The commission shall also study and make recommendations relative to the training provided to law enforcement officers in handling incidents involving persons with mental illness. The commission shall conduct at least 1 public hearing." and also in line 12, by inserting after the word "Association;" the first time it appears, the following words: "the Massachusetts Coalition of Police,") (on a petition);

Authorizing the establishment of the Whitin Reservoir Watershed District in the town of Douglas (Senate, No. 2344) (on a petition) [Local Approval Received];

Severally passed to be engrossed by the Senate, were read; and they were referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Town managers, appointment. Special commission, police training.

Douglas, Watershed District.

Reports

Of the committee on Environment, Natural Resources and Agriculture, asking to be discharged from further consideration

Of the petition (accompanied by bill, Senate, No. 473) of Stephen M. Brewer for legislation to promote alternative energy on farms; and

Of the petition (accompanied by bill, House, No. 788) of Peter V. Kocot and others relative to agricultural production and profitability;

And recommending that the same severally be referred to the Senate committee on Ways and Means.

Severally accepted by the Senate, were considered forthwith, under Rule 42; and they were accepted, in concurrence, insomuch as relates to the discharge of the committee.

Alternative energy.

Farms, profits.

A petition (accompanied by bill, Senate, No. 2535) of Robert A. O'Leary and Eric Turkington (by vote of the regional council of Dukes County) for legislation to authorize the county commissioners of the county of Dukes County to borrow money to replace the roof of a certain courthouse, was referred, in concurrence, to the committee on Municipalities and Regional Government.

Dukes County, courthouse.

Reports of Committees.

By Mr. Scaccia of Boston, for the committee on Rules and the committees on Rules of the two branches, acting concurrently, that Joint Rule 12 be suspended on the petition of Carl M. Sciortino, Jr., and others that the Division of Capital Asset Management and Maintenance be authorized to grant easements in certain land to the housing authority of the city of Somerville. Under suspension of the rules, on motion of Ms. Khan of Newton, the report was considered forthwith. Joint Rule 12 was suspended; and the petition (accompanied by bill) was referred to the committee on Bonding, Capital Expenditures and State Assets. Sent to the Senate for concurrence.

Somerville, easements.

Housing,
production
and
preservation.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, that the Bill financing the production and preservation of housing for low and moderate income residents (House, No. 4472) ought to pass. Referred, under Rule 7A, to the committee on Steering, Policy and Scheduling, with the amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets,— that the bill be amended by substitution of a bill with the same title (House, No. 4582),— pending.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Richardson of Framingham, the bill was read a second time forthwith.

The amendment previously recommended by the committee on Bonding, Capital Expenditures and State Assets then was rejected.

Pending the question on ordering the bill to a third reading, it was recommitted, on motion of Mr. Flynn of Bridgewater, to said committee on Bonding, Capital Expenditures and State Assets.

Subsequently Mr. Flynn, for said committee, reported recommending that the bill ought to pass with an amendment substituting therefor a bill with the same title (House, No. 4592) [General Obligation Bond Authorizations: \$1,380,000,000.00]. Referred, under Rule 33, to the committee on Ways and Means, the question being on ordering the bill to a third reading with the amendment recommended by the committee on Bonding, Capital Expenditures and State Assets (House, No. 4592) pending.

Nursing
home
residents.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to nursing home transfers and discharges (House, No. 2141) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Ms. Richardson of Framingham, the bill was read a second time forthwith; and it was ordered to a third reading.

Nurse
anesthetists.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, that the House Bill relative to nurse anesthetists (House, No. 4518) be scheduled for consideration by the House.

Under suspension of Rule 7A, on motion of Mr. Rushing of Boston, the bill was read a second time forthwith; and it was ordered to a third reading.

Initiative
petitions,
compensation.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill further regulating initiative and referendum petitions (House, No. 712),— and recommending that the same be recommitted to the committee on Election Laws. Under Rule 42, the report was considered forthwith; and it was accepted.

Bus stops,
illegal
parking.

By Mr. Donato of Medford, for the committee on Steering, Policy and Scheduling, asking to be discharged from further consideration of the Bill relative to illegal parking in bus stops (House, No. 4314),— and recommending that the same be recommitted to the committee on Transportation with an amendment previously recommended by

said committee (House, No. 4524) pending. Under Rule 42, the report was considered forthwith; and it was accepted.

By Mr. Binienda of Worcester, for the committee on Revenue, asking to be discharged from further consideration

Of the petition (accompanied by bill, House, No. 2924) of Anne M. Gobi and others establishing the open space preservation fund within the Department of Agricultural Resources; and

Of the petition (accompanied by bill, House, No. 3139) of William M. Straus and John W. Scibak for legislation to provide conservation tax credits;

And recommending that the same severally be referred to the committee on Ways and Means.

Under Rule 42, the reports severally were considered forthwith; and they were accepted. Severally sent to the Senate for concurrence in the discharge of the committee.

By Mr. Torrisi of North Andover, for the committee on Labor and Workforce Development, on House, No. 1840, a Bill relative to the competitive determination of workers' compensation insurance rates (House, No. 4590). Read; and referred, under Rule 33, to the committee on Ways and Means.

By Mr. Pedone of Worcester, for the committee on Municipalities and Regional Government, that the following bills ought to pass:

Bill establishing the position of municipal hearing officer to conduct hearings of violation notices issued in the city of Somerville in accordance with Section 21D of Chapter 40 of the General Laws (Senate, No. 2166) [Local Approval Received];

Bill relative to health inspectors of the city of Somerville (Senate, No. 2168) [Local Approval Received]; and

Bill further regulating the department of public works of the city of Somerville (Senate, No. 2169, amended) [Local Approval Received];

Severally referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

By Mr. Bradley of Hingham, for the committee on Election Laws, on House, No. 4560, a Bill establishing a voting precinct in the town of Hingham (House, No. 4591).

By Mr. Mariano of Quincy, for the committee on Financial Services, on a petition, a Bill relative to payment of auto damage claims (House, No. 1002).

By the same member, for the same committee, on a petition, a Bill prohibiting motor vehicle insurance companies from directing insureds to specific auto glass companies for repair of vehicles (House, No. 1003).

By Mr. O'Flaherty of Chelsea, for the committee on Judiciary, on a petition, a Bill relative to eminent domain takings (House, No. 1770).

By Mr. Kaufman of Lexington, for the committee on Public Service, on a petition, a Bill relative to protecting the rights of custodial, maintenance and other nonteaching employees of school districts (House, No. 2664).

Open space
fund,
establish.

Conservation,
tax credits.

Workers
compensation
insurance
rates.

Somerville
charter.

Somerville,
health
inspectors.
Somerville,
charter.

Hingham.

Auto
damage
claims.

Auto glass
companies.

Eminent
domain.

School
employees,
non-teaching.

Petroleum
taxes.

By Mr. Binienda of Worcester, for the committee on Revenue, on a petition, a Bill relative to the timing of reimbursement for federal manufacturers excise tax (House, No. 3324).

Boston,
cooperative
housing.

By the same member, for the same committee, on a petition, a Bill relative to the homeowners' residential tax exemption in the city of Boston (House, No. 4104) [Local Approval Received].

Severally read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Orders of the Day.

Third
reading
bill.

The House Bill establishing a sick leave bank for Donna L. Monfredo, an employee of the Department of Correction (House, No. 4571), reported by the committee on Bills in the Third Reading to be correctly drawn, was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

Recess.

At twenty-nine minutes before twelve o'clock noon, on motion of Mr. Jones of North Reading (Mr. Donato of Medford being in the Chair), the House recessed until half past twelve o'clock; and at seventeen minutes before one o'clock P.M. the House was called to order with Mr. Donato in the Chair.

Reports of Committees.

Supplemental
appropriations.

By Mr. DeLeo of Winthrop, for the committee on Ways and Means, on House No. 4511, reported, in part, a Bill making appropriations for the fiscal year 2008 to provide for supplementing certain existing appropriations and for certain other activities and projects (House, No. 4589) [Cost: \$89,246,795.00]. Read; and referred, under Rule 7A, to the committee on Steering, Policy and Scheduling.

Mr. Donato of Medford, for said committee, reported that the matter be scheduled for consideration by the House.

Under suspension of the rules, on motion of Mr. DeLeo, the bill was read a second time forthwith; and it was ordered to a third reading.

Subsequently, under suspension of the rules, on further motion of the same member, the bill (having been reported by the committee on Bills in the Third Reading to be correctly drawn) was read a third time; and it was passed to be engrossed. Sent to the Senate for concurrence.

Recess.

At one minute after one o'clock P.M., on motion of Mr. deMacedo of Plymouth (Mr. Donato of Medford being in the Chair), the House recessed subject to the call of the Chair; and at twenty minutes after two o'clock the House was called to order with Mr. Donato in the Chair.

The bill then came from the Senate with the endorsement that it had been passed to be engrossed, in concurrence, with an amendment inserting after section 3 the following section:

"SECTION 3A. The fifth sentence of section 3 of chapter 192 of the acts of 1994 as appearing in section 2 of chapter 3 of the acts of 2005, as most recently amended by section 4A of chapter 16 of the acts of 2007, is hereby further amended by inserting after the words 'financial services,' the first time they appear, the following words:— and the senate and house chairmen of the joint committee on revenue."

Under suspension of Rule 35, on motion of Mr. DeLeo of Winthrop, the amendment (reported by the committee on Bills in the Third Reading to be correctly drawn) was considered forthwith.

The same member then moved that the House concur with the Senate in its amendment with a further amendment by inserting after section 3A (inserted by amendment by the Senate the following section:

"SECTION 3B. The fifth sentence of section 3 of chapter 192 of the acts of 1994, as appearing in section 2 of chapter 3 of the acts of 2005, is hereby amended by inserting after the word "technologies", in line 17, the following words:— the house vice chairman of the committee on revenue."

Pending the question on adoption of the further amendment, Mr. Jones of North Reading asked for a count of the House to ascertain if a quorum was in attendance.

Quorum.

A quorum not being present, under the provisions of Rule 82, the Chair (Mr. Donato of Medford), at twenty-four minutes after two o'clock P.M., declared an adjournment of the House until tomorrow at eleven o'clock A.M., in an Informal Session.